

106TH CONGRESS
2D SESSION

H. R. 3685

To facilitate the timely resolution of back-logged civil rights discrimination cases of the Department of Agriculture, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 16, 2000

Mr. HILL of Montana introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To facilitate the timely resolution of back-logged civil rights discrimination cases of the Department of Agriculture, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “USDA Civil Rights
5 Resolution Act of 2000”.

6 **SEC. 2. FINDINGS AND PURPOSE.**

7 (a) FINDINGS.—Congress finds that—

1 (1) there exists a strong public policy against
2 discrimination against minority groups, whether the
3 discrimination is committed by private persons or by
4 the Federal Government in the operation of its pro-
5 grams;

6 (2) whenever discrimination occurs in the con-
7 duct of Federal programs, the responsible Federal
8 agencies should take quick and aggressive action to
9 remedy the discrimination;

10 (3) in 1997, it was determined that the Depart-
11 ment of Agriculture had, for decades, been guilty of
12 civil rights violations against United States agricul-
13 tural producers participating, or attempting to par-
14 ticipate, in Department programs;

15 (4) in 1998, Congress created a 2-year waiver
16 of the statute of limitations to allow persons injured
17 by discrimination by the Department to seek redress
18 in court or by filing an administrative complaint
19 with the Department;

20 (5) despite the waiver of the statute of limita-
21 tions, it remains a difficult challenge to ensure that
22 agricultural producers injured by discrimination by
23 the Department over the years will get a speedy and
24 balanced resolution of their complaints because it
25 appears now that—

1 (A) a number of complaints that have al-
2 ready been investigated by investigators hired
3 by the Office of Civil Rights of the Department
4 are not being resolved; and

5 (B) nothing is being done to expeditiously
6 resolve these cases; and

7 (6) it is unfair for agricultural producers to be
8 faced with these delays because—

9 (A) the producers cannot get on with their
10 lives, or plan their farming operations, until
11 their complaints are resolved; and

12 (B) the producers are being wronged a sec-
13 ond time by delays in resolving meritorious
14 complaints.

15 (b) PURPOSES.—It is the purpose of this Act—

16 (1) to impose on the Department of Agriculture
17 a reasonable time limit to resolve the complaints de-
18 scribed in subsection (a); and

19 (2) if the Department fails to meet the reason-
20 able time limit, to enable complainants to seek the
21 experience and expertise of the Civil Rights Division
22 of the Department of Justice in resolving the com-
23 plaints in a timely manner.

1 **SEC. 3. WAIVER OF STATUTE OF LIMITATIONS.**

2 Section 741(b) of the Agriculture, Rural Develop-
3 ment, Food and Drug Administration, and Related Agen-
4 cies Appropriations Act, 1999 (7 U.S.C. 2279 note; Public
5 Law 105–277) is amended—

6 (1) by redesignating paragraphs (1), (2), and
7 (3) as subparagraphs (A), (B), and (C), respectively;

8 (2) by striking “(b) The” and inserting the fol-
9 lowing:

10 “(b) ADMINISTRATIVE DETERMINATIONS.—

11 “(1) IN GENERAL.—The”;

12 (3) by indenting the margins of subparagraphs
13 (A), (B), and (C) (as so redesignated) to reflect the
14 amendment made by paragraph (2); and

15 (4) by adding at the end the following:

16 “(2) REVIEW BY DEPARTMENT OF JUSTICE.—

17 “(A) IN GENERAL.—If a complainant seeks
18 a determination by the Department of Agri-
19 culture on the merits of an eligible complaint
20 under paragraph (1) and the complaint is not
21 resolved by the Department within 270 days
22 after the complaint has been investigated by the
23 Department, the complainant may petition the
24 Civil Rights Division of the Department of
25 Justice—

26 “(i) to review the complaint; and

1 “(ii) to make recommendations to the
2 Department of Agriculture to resolve the
3 complaint.

4 “(B) DEADLINE.—The Civil Rights Divi-
5 sion of the Department of Justice shall conduct
6 the review, and make recommendations to re-
7 solve the complaint, not later than 30 days
8 after the complainant files a petition under sub-
9 paragraph (A).

10 “(C) ACCESS TO REVIEW FOR OTHER
11 CASES.—

12 “(i) IN GENERAL.—The right to re-
13 view by the Department of Justice under
14 this paragraph shall be made available to
15 any complainant with a complaint that—

16 “(I) is not considered an eligible
17 complaint under the time criteria de-
18 scribed in subsection (e); and

19 “(II) is pending at the Office of
20 Civil Rights of the Department of Ag-
21 riculture on the date of enactment of
22 this paragraph.

23 “(ii) TOLLING.—In the case of any
24 complaint that is reviewed by the Depart-

1 ment of Justice under this paragraph,
2 after the review process is completed—

3 “(I) the complainant—

4 “(aa) shall be deemed to
5 have exhausted the administra-
6 tive remedies of the complainant;
7 and

8 “(bb) may file an action on
9 the complaint in United States
10 District Court; and

11 “(II) any applicable statute of
12 limitations shall be tolled for the pe-
13 riod beginning on the date that the
14 complaint was filed at the Department
15 of Agriculture and ending on the date
16 of completion of the review by the De-
17 partment of Justice.”.

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